

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

FILED

NO. 5:98-CT-266-BR(2)

MAY 13 1998

DAVID W. LARUE, CLERK
U.S. DISTRICT COURT
E. DIST. NO. CAR.

LACY LEE WILLIAMS,)
Plaintiff)
v.)
CHARLES CREECY, JR., et al.,)
Defendants)

ORDER OF DISMISSAL

Plaintiff, a state inmate, filed this 42 U.S.C. § 1983 action in forma pauperis. The court may dismiss any action so filed if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). A claim having no arguable basis in law or in fact may be dismissed as frivolous. Neitzke v. Williams, 490 U.S. 319 (1989).


Plaintiff alleges that on November 28, 1997 at the Pasquotank Correctional Institution Nurse Bollard gave him another inmates's insulin and his used syringe. He complains that Dr. Anderson refused to give him his regular insulin and Nurse Supervisor Colson, Warden Creecy, and Grievance Examiner Williams all knew of the mistake and didn't correct it.

Plaintiff alleges, at most, a medical malpractice action and does not state a constitutional deprivation actionable under 42 U.S.C. § 1983. Estelle v. Gamble, 429 U.S. 97 (1976). Plaintiff does not dispute the grievance report that this was an isolated

error and that there was no risk to him from it.

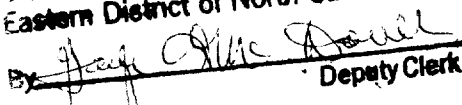
Accordingly, this action IS HEREBY DISMISSED WITH PREJUDICE.

This 13 May 1998.



W. EARL BRITT
SENIOR U. S. DISTRICT JUDGE

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certify the foregoing to be a true and correct
copy of the original
David W. Daniel, Clerk
United States District Court
Eastern District of North Carolina
By 
Deputy Clerk